IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.464/2007
Gyan Dutt Vs. Smt. Sampati Devi & Ors.

25.10.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri H.S. Khandelwal for the appellant.
Shri Gyan Dutt appellant present in person.
Shri Mukesh Sharma, for the appellant.
Shri Prem Narain respondent No.2 present in person.

On 31.7.2007 notices were ordered to be issued to the respondent after the appellant who was present along with his counsel submitted before this court that he does not wish to press the appeal on merits and some reasonable time may be allowed to vacate the premises.

On being served the respondent has put in appearance along with his learned counsel and has submitted that the respondent shall not execute the decree against the appellant upto 31.10.2007.

In view of the above it is directed in terms of the above that in case the appellant submits an undertaking before the learned trial court within four weeks from today that he will handover vacant and peaceful possession of the premises in dispute to the landlord decree holder on or before 31.10.2008 the execution of the decree shall remain stayed.

The undertaking shall also state that he shall not sub-let, assign or part-with the possession or create any third party interest in the premises.

The appellant shall deposit all arrears of rent in terms of the decree upto 31.10.2008 within the aforesaid period of four weeks. He shall also continue to deposit/pay the rent month by month

regularly before the 15th day of the next succeeding month.

In case the appellant does not fulfill any of the above conditions as agreed the respondent-decree-holder shall be at liberty to execute the decree forthwith.

This appeal and stay application are dismissed subject to the above.

(DALIPSINGH)J.

Ramchandrkhatri,PS